

OPEN SPACE COUNCIL  
December 6, 2017  
9:00 a.m.  
Legislative Hall  
Senate Hearing Room, Second Floor  
Dover, Delaware

**ATTENDANCE**

Council Members:

Mr. John Schroeder, Chairperson  
Senator Bruce Ennis  
Ms. Lorraine M. Fleming  
Mr. David Humes  
Ms. Dorothy P. Leventry

Ex-Officio:

Raymond E. Bivens, State Liaison Officer, LWCF, DNREC

Advisory To:

Shawn M. Garvin, Cabinet Secretary, DNREC, State of Delaware (absent)

Staff:

David Saveikis, Director, F&W  
Matthew Chesser, Parks & Recreation, DNREC  
Robert Ehemann, Parks & Recreation, DNREC  
Elena Stewart, Parks & Recreation, DNREC  
Austin Short, Deputy Secretary, Delaware Forest Service, DDA  
Michael Valenti, State Forestry Administrator, DDA  
Craig Rhoads, Program Manager, F&W  
Patrick Emory, Director, Community Services  
Karen Bennett, Administrator, F&W  
Kesha Braunskill, Senior Forester, Delaware Forest Service, DDA

Visitors:

Marlene Mervine, Executive Director, Nanticoke Conservancy  
Betty Smith  
Mark Chura, Advocate, Greater Lewes Foundation

**I. Call to Order/Introductions/Announcements**

John Schroeder called the meeting to order and welcomed attendees. He informed the members that David K. Shepphard, Esq. had been appointed by the Governor to take the seat vacated by Porter Schutt. However, Mr. Shepphard had accepted a job that would require him to be in Washington D.C. Tuesday through Thursday so he would not be able to accept the appointment if the meetings continued to be on Wednesdays. Mr. Schroeder also commented that he would have a conflict with the March meeting date and wished to discuss the possibility of changing the meeting dates in 2018 to

accommodate schedules including moving the meetings to Fridays instead of Wednesday. Everyone was in agreement to move the meetings to Fridays in 2018.

## **II. Minutes of June 7, 2017 Meeting**

Mr. Schroeder asked for a motion to approve the June 7, 2017 meeting minutes. Since there was not a quorum at the September meeting, they were unable to be approved and the minutes taken at the September meeting would be considered meeting “notes”, not requiring approval since recommendations could not officially be made at that meeting. Lorraine Fleming made a motion to approve the June minutes, David Humes seconded the motion and the minutes were unanimously approved.

## **III. Financial Report**

Ms. Stewart presented the financial report:

<b>Open Space Program Fund Summary</b>		
<b>12/1/17</b>		
<b>Current Funds</b>		
Realty Transfer Tax	12/1/2017	<b>\$4,260,598.84</b>
<b>Previously Approved Projects</b>	<b>Date Encumbered</b>	
Cooch - HCA	12/14/2013	\$1,500,000.00
Great Marsh - Parks	9/14/2016	\$2,000,000.00
Manwaring	12/7/2016	\$100,000.00
Sinclair	12/7/2016	\$1,000.00
Felician Sisters	12/7/2016	\$250,000.00
Rudin	6/7/2017	\$15,000.00
<b>Total Obligated</b>		<b>\$3,866,000.00</b>
<b>Balance</b>		<b>\$394,598.84</b>
<b>Reimbursements</b>		
Wilson Heirs		\$140,000.00
<b>Total Reimbursements Anticipated</b>		<b>\$140,000.00</b>
<b>Balance Available Through 12/15/18</b>	<b>\$534,598.84</b>	

## **IV. Old Business**

### **A. Projects Completed Since Last Meeting**

- a. Rudin Property – Brandywine Creek State Park
- b. ABC Woodlands Property – Midlands Wildlife Area
- c. Dukes Property – Old Furnace Wildlife Area

## **V. New Business**

### **A. Council Open Discussion**

Ms. Fleming shared that the Ecological Extinction Task Force had published its final report on December 1, 2017.<sup>1</sup> She had attended some of the meetings and thought the recommendations would be valuable to the Open Space Program as far as designating high quality habitats.

### **B. Public Comments**

Mark Chura, an advocate for the Greater Lewes Foundation, asked to speak with the Open Space Council in Executive Session about a project he was involved with. All members agreed to allow him to present in Executive Session.

## **VI. Executive Session**

### **A. Discussion of Site Acquisitions**

## **VII. Open Session**

### **A. Council Project Recommendations**

Based on discussion in Executive Session, the Council recommended the following:

- Groome Church Property – Division of Historic and Cultural Affairs  
Ms. Fleming made a motion to approve up to \$1M towards the acquisition of a portion of the Groome Church Property in Lewes subject to an appraisal justifying the expense and also subject to a contract being acquired by the next meeting. Mr. Humes seconded the motion and it was unanimously approved.
- Felician Sisters Property – Division of Fish and Wildlife  
Mr. Humes made a motion to continue to hold \$250,000 for the Felician Sisters Property until January 17, 2018. Ms. Leventry seconded the motion and it was unanimously approved.
- Garrett Snuff Mills Property – Delaware State Parks

---

<sup>1</sup> Senate Concurrent Resolution 20, passed by the 149th General Assembly in May 2017, created a Statewide Ecological Extinction Task Force to study the extinction of plant and animal species in Delaware, identify causes and drivers of local extinction, and recommend solutions to reverse the present course. Senator Stephanie Hansen was the primary sponsor of the bill, with Representative Debra Heffernan serving as an additional sponsor and Senators Bryan Townsend and Ernesto Lopez and Representatives Paul Baumbach, Sean Lynn, and Jeff Spiegelman as co-sponsors. It was introduced and passed in the Senate on April 26, 2017. On May 4, 2017, it was introduced in the House with House Amendment 1 and passed the same day by voice vote. The Task Force was charged with holding a first meeting no later than August 1, 2017 and reporting its findings and recommendations for action to the President Pro Tempore of the Senate and the Speaker of the House of Representatives by December 1, 2017 for distribution to all members of the General Assembly, with copies to the Governor, the Director and the Legislative Librarian of the Division of Research of Legislative Council, and the Delaware Public Archives. The Task Force comprised nineteen members, with the Chair, Senator Stephanie Hansen, appointed by the President Pro Tempore of the Senate.

Ms. Fleming made a motion to approve up to \$7,000 towards settlement and other associated costs for the 0.575 acre Garrett Snuff Mills Property. Ms. Leventry seconded the motion and it was unanimously approved.

- Whitehead Property – Delaware Forest Service  
Sen. Ennis made the motion to approve up to \$10,000 for subdivision and other costs involved with the boundary line adjustment on the Whitehead Property. Mr. Humes seconded the motion and it was unanimously approved.
- Mispillion Harbor Properties – Division of Fish and Wildlife  
Ms. Fleming made the motion to approve up to \$30,000 in settlement costs for the Mispillion Harbor Properties. Mr. Humes seconded the motion and it was unanimously approved.
- ABC Woodlands – Delaware Forest Service  
Mr. Humes made a motion to approve up to \$2M towards the beginning of negotiations with ABC Woodlands for the acquisition of 900 acres of forest lands in Sussex County. Ms. Fleming seconded the motion and it was unanimously approved.
- JGR, LLC Property – Delaware State Parks  
Ms. Fleming made the motion to approve up to \$300,000 towards the acquisition of the 0.54 acre parcel for the purposes of building an amphitheater at Auburn Heights Preserve. Ms. Leventry seconded the motion and it was unanimously approved.
- Selby Property – Division of Fish and Wildlife  
Mr. Humes made the motion to approve \$425,000 towards the acquisition of the 208.2 acre property in the Augustine Wildlife Area/ Thousand Acre Marsh. Ms. Fleming seconded the motion and it was unanimously approved.
- McClements – Delaware State Parks  
Ms. Fleming made a motion to approve \$1000 towards settlement costs for the ~6 acre donation of properties by the McClements family in Dover. Sen. Ennis seconded the motion and it was unanimously approved.

**Next Meeting Date/Adjournment**

\*Please note the meeting days have changed to Fridays.

- Friday, April 6<sup>th</sup>
- Friday, July 13<sup>th</sup>
- Friday, September 14<sup>th</sup>
- Friday, December 7<sup>th</sup>